

Arlington Town Meeting — Motion to Amend

ARTICLE NO. 16

Dated: April 26, 2024

I, Mustafa Varoglu, do hereby submit the following Motion to Amend Article 16:

To amend the main motion by making the following changes:

- In the introductory “VOTED” paragraph strike the text “, birds, reptiles, amphibians and fish”.
- In the title of Section 2 strike the text “, Birds, Reptiles and Amphibians”.
- In Section 2 A strike the text “, bird, reptile or amphibian”.
- In Section 2 B add the text “fish,” before “reptiles”
- Strike the entirety of Section 3 and renumber the remainder of the text.

Comment:

While well-intended, this Article goes too far too far in banning all types of pets from sales in stores, including those generally bred by specialty breeders. Birds, reptiles, amphibians, and fish were selected for exclusion as there is not a realistic option for obtaining the breadth of species within this group from venues other than pet shops specializing in these species. The source of birds, reptiles, amphibians and fish is not similar to the puppy and kitten mills that were the motivation for the original article. If animals are sourced from unscrupulous breeders those breeders should be shut down or the stores’ practices should be exposed instead of a blanket ban on all species.

Full text of the Article per the Select Board recommended provided below with proposed deletions in strikeout and additions underlined. The sections would be renumbered as proposed in the amended vote language.

That the Town does and hereby amends Title I of the Town’s Bylaws to add a new provision to ban the sale of mammals, ~~birds, reptiles, amphibians and fish~~ in pet shops within the Town, by making it unlawful; or take any action related thereto, so that the new provision of Title I reads as follows:

TITLE I ARTICLE 25 RETAIL PET SALES

Section 1. Definitions

For purposes of this Article, the following words and phrases have the definitions set forth next to them:

- A. “Animal Rescue Organization”: Means a not-for-profit organization that is registered with the Massachusetts Department of Agricultural Resources, if required, and whose mission and practice is, in whole or in significant part, the rescue and placement of mammals, birds, reptiles or

amphibians into permanent homes. The term "animal rescue organization" does not include any person or entity that breeds animals or obtains animals in exchange for payment or compensation from a person that breeds or brokers animals.

B. "Offer for Sale": Means to advertise or otherwise proffer an animal for acceptance by another person or entity.

C. "Pet Shop": Means a retail establishment where animals are sold or offered for sale as pets which is required to be licensed pursuant to MGL c. 129, § 39A, and 330 CMR 12.00. A person who only sells or otherwise transfers the offspring of animals the person has bred on their residential premises shall not be considered a "pet shop" for purposes of this section.

D. "Public Animal Control Agency or Shelter": Means a facility operated by a governmental entity for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with a governmental entity.

E. "Sell": Means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer for consideration.

Section 2. Prohibition of the Sale of Mammals, ~~Birds, Reptiles and Amphibians~~

A. It shall be unlawful for a pet shop to sell or offer for sale a mammal, ~~bird, reptile or amphibian.~~

B. A pet shop may provide space for the display of mammals, birds, fish, reptiles or amphibians available for adoption by a public animal control agency or shelter or an animal rescue organization so long as the pet shop receives no part of any fees associated with the display or adoption of the animals and has no ownership interest in any of the animals displayed or made available for adoption.

~~Section 3. Prohibition on the Sale of Pet Fish~~

~~A. It shall be unlawful for a pet shop to sell or offer for sale any fish that is intended to be kept as a pet in a tank, bowl or other water filled enclosure in which living fish or other aquatic animals are kept.~~

~~B. A pet shop may provide space for the display of fish available for adoption by a public animal control agency or shelter or an animal rescue organization so long as the pet shop receives no part of any fees associated with the display or adoption of the fish and has no ownership interest in any of the fish displayed or made available for adoption.~~

~~C. This Section shall not be construed to prohibit the sale of fish meant for human consumption that is otherwise commercially available.~~

Section 4. Enforcement and severability

A. This Bylaw shall be enforced by the Town Manager or the Town Manager's designee pursuant to MGL c. 40, § 21D, according to the following schedule:

First offense: \$50;

Second offense: \$100;

Third and each subsequent offense: \$300.

Each unlawful sale or offer for sale shall constitute a separate violation.

B. This Bylaw may also be enforced through any other means available in law or equity. Nothing in this Bylaw may be construed to alter or amend any other legal obligations applicable to the sale of fur, or any other entities, under any other law or regulation.

C. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.

Respectfully submitted,

/s/ Mustafa Varoglu

Mustafa Varoglu, Precinct 10

Date Voted: _____

Action Taken: _____